STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	B-11/08-	533
)					
Appeal of)					

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, recouping child support arrears for payment of Reach Up Financial Assistance (RUFA) benefits. The issue is whether the Department's recoupment of child support arrears is in accord with the regulations. The facts are not in dispute.

FINDINGS OF FACT

- 1. The petitioner is a single parent of two minor children. She has a child support order through the Family Court ordering her ex-husband (noncustodial parent) to pay child support of \$567 per month. As of July 18, 2008, the noncustodial parent owed arrears of \$1,294.
- 2. On or about July 18, 2008, petitioner asked the Department for financial help through the General Assistance Program. A requirement of the General Assistance Program is that applicants access other income and resources first. In petitioner's case, the Department required her to apply for

RUFA benefits. Petitioner was found eligible for RUFA benefits on July 18, 2008; these benefits included \$106 for the remainder of July and \$595 for August.

3. The RUFA program requires applicants and recipients to assign their child support rights to the state. On or about July 18, 2008, the petitioner signed a Child Support Authorization. Said authorization informed petitioner that:

The state keeps assigned amounts up to the total amount of public assistance you received at any time for all children in your household. This means any support owed to you will now become owed to the state including:

- Current support. . .
- Past due support or arrears. . .
- Support judgment. . .
- 4. Petitioner had received RUFA in the past (most recently for a period of July 23, 2007 to December 1, 2007).
- 5. During the beginning of August 2008, the noncustodial parent paid his child support arrearage to the Office of Child Support. The child support arrears were recouped by the Department for current and past RUFA benefits paid to petitioner.
- 6. Petitioner's grant was closed on August 31, 2008. Petitioner disagreed with the child support recoupment and requested a fair hearing.

ORDER

The Department's decision is affirmed.

REASONS

The federal government requires the states as a condition for receipt of federal monies for the TANF program (RUFA in Vermont) to require recipients of assistance to assign their support rights to the State. 42 U.S.C. § 608(a)(3). The child support assignment gives the state a claim for current support as well as a claim for any arrears owed to the family. 42 U.S.C. § 657(a)(1) and (2); Welfare Assistance Manual (W.A.M.) § 2331 and § 2333.3.

As the Department's actions were in accord with applicable federal and state law, the Department's decision is affirmed. 3 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4(D).

#